

Case #19-30088-DM
Docket# 12440
Judge Montali
Courtroom 17
450 Golden Gate Avenue
Mail Box 36099
San Francisco, CA 94102

Judge Email:

[REDACTED]

Judge Montali's Court clerk Email:

[REDACTED]

Dear Judge Montali,

RE: Case: 19-30088 - "Please post to case docket"

Please accept this as my response to the motion filed by Brown Rudnick LLP on behalf of John K. Trotter (former Trustee of the PG&E Fire Victim Trust) **Case: 19-30088 Doc# 12527 Filed: 06/21/22 Entered: 06/21/22 15:08:05**

In the motion, Mr. Trotter's attorneys state "Simply put, the paucity of appeals shows that Fire Victims, represented and unrepresented, are comfortable with the results of the claims administration process. The Trustee and Claims Administrator, and, of course, the Fire Victims themselves, have no interest in miring the Trust in twenty years of claims resolution as in Dow Corning or twelve years and counting as in Lehman. As this Court has recognized, some Fire Victims have already waited nearly seven years to be compensated for the devastation they experienced."

I am Brenda Gilchrist, a victim of the Tubb's Fire in Santa Rosa, CA (Oct 9, 2017). I filed a claim through my law firm in 2018. It wasn't until just recently, after repeatedly calling/emailing my attorney and calls/email to the PG&E Fire Victim Trust, that I received a minimum distribution payment of \$16,875.00 (net after attorney fees). The claim I filed is for losses of over \$300k.

To say that Fire Victims are "comfortable with the results of the claims administration process," is a lie. The process of trying to understand the status of my claim, why others received a higher minimum payout and how determinations were being made is a complete black box. I called and emailed the PG&E Fire Victim Trust after Mr. Trotter released a video to the fire

victims. I never heard back from anyone from the Trust. I wanted to know why my claim was pending, who was handling my claim and I requested to know what the 1% Trust administration fee was of. I want to know what the administration fee of 1% equated; the trust gets 1% of what?. See attached PDF copy of my email to Mr. Trotter.

In my email to the Trust, addressed to Mr. Trotter, I asked *“what does the 1% equate to? And, are the 300 staff all attorneys? Claims agents, that typically process insurance claims, would cost less than attorneys. Is there a published financial statement that we can see expenses vs. the payouts?”* Without any transparency in the claims administration process, fire victims assume the majority of the \$13.5 Billion is going towards administration costs and not to the fire victims.

As a shareholder of the Fire Victim Trust, *“a very large shareholder of one of the largest utilities in the country,”* per Mr. Trotter's motion, I feel we should have the right to the same discovery rights as any other party.

The motion states, the *“Trustee’s role is not to “fix” the Plan as Mr. Abrams wishes but rather, in accordance with the governing agreements and consistent with the Trustee’s fiduciary duties thereunder to: (1) protect and maximize the assets conveyed to the Trust under the Plan; (2) undertake a fair, equitable, efficient claims process for hundreds of thousands of unique claims; and (3) deliver distributions to all Fire Victims in a timely manner.”* Without access to documents, how do we know if the Trustee has done all 3 of these items. I can attest that #3 has not been fulfilled. I filed the claim in 2018 and just received my first minimum distribution, without explanation as to how the minimum amount was determined and/or what the status of my pending claim is.

“Over 85% of Fire Victims who submitted ballots cast ballots in favor of the Plan,” per the motion filed by Mr. Trotter’s law firm. Myself and many of the fire victims felt compelled to sign ballots by the deadline. We were told that if we didn’t sign it, we would give up the chance of receiving anything from PG&E or that it would take several more years. If you were to survey the fire victims, you would find the majority that voted “yes” felt it was our only option (we weren’t given an alternative option); Our option was sign it and get something or don’t sign it and possibly give up any chance of receiving anything.

“Fire Victim Trust Website (<http://www.firevictimtrust.com>). The Trustee and Claims Administrator maintain a comprehensive and continually updated website (the “FVT Website”) to provide access and information to Fire Victims in accordance with Trust Agreement Section 2.2(g). The FVT Website serves two primary functions. First, it hosts the Claims Portal, which is the secure access point for represented Fire Victims (through their attorneys) and unrepresented Fire Victims to access their own claims documents and to prosecute their claims with the Claims Administration Team and the Claims Processor in

accordance with the Court-approved Claims Resolution Procedures.” The FVT has not been a source of transparency, as Fire Victims are not able to access the FVT, other than FAQ’s. When I ask for information from my law firm regarding my claim, they tell me they are just as much in the dark as I am.

The motion states, *“We also are trying to maximize our Trust assets by engaging with the State of California for some type of loan, or other instrument, which allows us to complete and increase our pro rata payments without having to sell more shares into a down market. I think it is not appropriate to go into more detail at this time since we have only started our discussion. We have hired a lobbyist to assist us in these discussions.”* This is a perfect example of the black box. Who are the lobbyists, how much are they being paid, why are lobbyists involved and who are they representing?

Bottom line: as a fire victim, and a shareholder of the Fire Victim Trust, I have been left in the dark and have no confidence in the process due to lack of information and/or transparency.

I would like to see all the financials reflecting who was paid for what that are not fire victims. Secondly, I would like to see a list of claims that were paid out and compare that to the cost of the administration. I would also like to see the list of staff hired and/or contracted by the Trust and the amount paid to each person (hourly rate, contract rate, salary, and any and all variable and non cash reimbursements paid). I would like to know what the 1% administration fee equates to and who and what is paid for with this fee. I would like to know how the Trustees determined and/or will determine investments, potential loans and any other information that will affect the funds in the Trust and the plan to finalize claims and payouts to the Fire Victims.

By asking for this information, it’s merely to seek to understand and resolve rumors and/or concerns. Without any information, many of us have assumed the Trust and its administration process is not timely, has failed to answer why our claims have not been processed to the full extent, why our claim is still pending and how much the Trust and it’s administrators are being paid to administer our Trust and what they plan to do to secure our shareholder value.

Regards,

Brenda Gilchrist

Former address that burned down in the Tubbs Fire (3574 Alkirst Court, Santa Rosa, CA 95403)
Contact: Brenda Gilchrist 707-799-8887

ATTACHMENT

COPY OF EMAIL SENT TO MR. TROTTER MAY 20, 2021

Status and costs

1 message

Brenda <hrbarbie17@gmail.com>

Thu, May 20, 2021 at 5:58 PM

To: questions@firevictimtrust.com

Dear Hon. Jack Trotter,

> Thank you for the video update on the Pg&e trust.

>

I'm wondering if you can check the status of my claim and tell my attorney if it's moving anything or at least the status of my claim. I've emailed her several times, after I supplied the additional documents you requested. The attorney said she hasn't gotten a reply since the additional documents were supplied.

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Also, what does the 1% equate to? And, are the 300 staff all attorneys? Claim agent, that typically processes insurance claims, would cost less than attorneys.

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> Is there a published financial statement that we can see expenses vs. the payouts?

> Thank you for all your efforts. It's been a long journey of recovery from the Tubbs Fire. It's been daunting and frustrating that millions of funds went to our city and county and fundraisers, but none came to my neighbors and I because we didn't fall under the "means test" and in another case, we didn't even qualify for the Sonoma Fire relief funds. Where did all the multi millions go? We had no financial support or funding to help us with our losses.

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> Also, the SBA loan we were all told to apply for, denied everyone I know that applied for it. After close to 20 hours of time pulling documents, and having calls with SBA, they denied my loan. SBA was a nightmare. In fact, some people were approved, not funded, but told to repay the loan! Worst experience and waste of time in my life.

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> Then, my city never investigated or paid me for the "accidental" removal of my foundation. I was about to start my rebuild and someone took out my foundation and footings without my knowledge or approval! I filed several complaints, appeals, etc., but no one made it right.

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> I welcome my claim to be settled so I can move on.

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Regards,

>

> Brenda Gilchrist

> 707-799-8887

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